



# United States Department of the Interior

## Fish and Wildlife Service

Idaho Fish And Wildlife Office

1387 S. Vinnell Way, Room 368

Boise, Idaho 83709

Telephone (208) 378-5243

<http://www.fws.gov/idaho>



**APR 02 2012**

Noah Greenwald  
Endangered Species Program Director  
Center for Biological Diversity  
P. O. Box 11374  
Portland, OR 97211

Subject: Freedom of Information Act (FOIA) Request Relating To The Potential For  
Incidental Take of Lynx or Grizzlies From Trapping Permitted Or Carried  
Out By Idaho Department of Fish and Game  
INFO-210 FWS- 2012-0547

Dear Mr. Greenwald:

This letter concludes our response to your Freedom of Information Act (FOIA) request dated January 27, 2012 regarding:

All records relating to the potential for trapping permitted or carried out by Idaho Department of Fish and Game for wolves or other animals to incidentally take federally listed lynx or grizzly bear, including but not limited to all inter and intra agency correspondence (letters, email messages, phone conversation records, inter and intra office memos, facsimiles, meeting minutes, notes, and others) and memos related to the decisions.

All records related to any incidental take permits that have been conceived or issued to Idaho Department of Fish and Game related to trapping, including but not limited to all inter and intra agency correspondence (letters, email messages, phone conversation records, inter and intra office memos, facsimiles, meeting minutes, notes, and others) and memos related to the decisions.

We are requesting all documents and materials directly or indirectly considered by agency decision makes. In addition, please include all correspondence from the Department of the Interior, Washington office, and regional office to any party concerning this decision.

We have carefully searched our files and located fourteen documents responsive to your request which are enclosed on a CD with an index. Exemption 5.7B(1) Deliberative – Process Privilege was applied to three documents. Fish and Wildlife staff reviewed the candidate documents line by line to determine the appropriate exempt information, segregated that information where possible, and released the remainder of each document as indicated. This privilege is designed to protect the quality of the agency's decision making process to encourage candid and frank discussions among agency officials; to protect against premature disclosure of proposed policies before they are finally adopted; and to avoid public confusion that might be caused by disclosing reasons and rationales that were not ultimately the basis for an agency's actions.

Exemption 5 USC§552 5.7B(3) Attorney-Client Privilege was applied to one document. This exemption reflects confidential communications between an agency attorney and his/her client for which the client has sought professional advice. The potential harm to the Service from disclosure would be to deter the agency from seeking legal counsel in the future. Fish and Wildlife staff reviewed the candidate document line by line to determine the appropriate exempt information, segregated that information where possible, and released the remainder of the document as indicated.

The decision to withhold the above-referenced material was made after consultation with Diane Hoobler, Pacific Region, Officer of the Solicitor, Portland, Oregon. You may appeal this partial denial by writing to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS 6556  
Washington, DC 20240

The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final letter responding to your FOIA request. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday. You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your original FOIA request and this final response letter.

Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked, both on the envelope and the face of the letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS


services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 301-837-1996

As noted in my letter to you dated February 28, 2012, your fee waiver request was granted based upon the information you provided. Therefore, there is no charge to you for these records.

If you have any questions, please contact Dennis Mackey of our office at (208) 378-5243.

Sincerely,

  
*for* Brian T. Kelly, State Supervisor  
Idaho Fish and Wildlife Office

Enclosure